



**ZACHARY CARTER**  
*Corporation Counsel*

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**LINDA MINDRUTIU**  
Assistant Corporation Counsel  
phone: (212) 356-2337  
fax: (212) 356-3509  
email: lmindrut@law.nyc.gov

May 4, 2015

BY ECF

Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Dancy v. City of New York, et al., 15CV0481 ARR-RLM

Dear Judge Mann:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, defending the City of New York in the above-referenced case. I am writing with the consent of plaintiff's counsel, Neville O. Mitchell, Esq., to respectfully request that the Court grant a thirty (30) day enlargement of time, nunc pro tunc, from April 28, 2015 to May 28, 2015, within which defendant City of New York may answer or otherwise respond to the complaint. This is defendant's second request for an enlargement of time.

By way of background, plaintiff's complaint alleges, inter alia, that he was falsely arrested and subjected to excessive force. Sometime after the City was served with the summons and complaint in this matter, it came to my attention that plaintiff Curtis Dancy has retained a second attorney, Richard Reyes, Esq., to also file a complaint on his behalf concerning the same incident which is the subject of this complaint. The other complaint was filed on January 30, 2015 at Docket No. 15-cv-00432-RJD-RER. I reached out to Mr. Mitchell about this issue on February 25, 2015. Mr. Mitchell informed me that he would look into the other filing and let me know how he intended to proceed. Thereafter, after I followed up with him numerous times, on April 23, 2015 Mr. Mitchell informed me by email that he would be filing a letter motion to withdraw this matter. In his April 23rd email, Mr. Mitchell indicated that he had spoken with Mr. Reyes and that Mr. Reyes was now representing Mr. Dancy. Mr. Mitchell also indicated he

would be filing his letter motion hopefully on April 23rd. In the meantime, I traveled out of state and was not in the office for most of the week of April 27, 2015. The City's Answer date passed on April 28, 2015. When I returned to the office on May 1, 2015, I saw that Mr. Mitchell had not yet filed his letter motion withdrawing this matter. I contacted Mr. Mitchell immediately. Today, Mr. Mitchell informed me that he needs to further discuss the issue with Mr. Reyes prior to making a decision about whether to withdraw this matter. Mr. Mitchell also indicated there was a possibility Mr. Reyes may substitute into this action in order to best protect Mr. Curtis' rights.

I sincerely apologize to the Court for submitting this request for an enlargement of time to respond to the complaint late. However, I relied on Mr. Mitchell's representations that he would be withdrawing the complaint. Given the possibility that this action may now not be withdrawn, I respectfully request that the deadline to respond to the complaint be further extended. Mr. Mitchell informed me today that Defendant Officer Stockpole has also been served with the summons and complaint. This Office has not yet determined whether it will represent Defendant Stockpole in this action. Without conceding the adequacy of service or otherwise appearing on his behalf, this Office hopes that the Court may sua sponte extend Defendant Stockpole's deadline to respond to the complaint to May 28, 2015 as well, in order to protect Defendant Stockpole's rights.

For the foregoing reasons, I respectfully (i) request that the Court extend the City's deadline to respond to the complaint, nunc pro tunc, to May 28, 2015 and (ii) hope the Court will sua sponte extend Defendant Stockpole's deadline to respond to the complaint, nunc pro tunc, to May 28, 2015.

Thank you for your consideration in this regard.

Respectfully submitted,

*/s/ Linda Mindrutiu*

Linda Mindrutiu  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: BY ECF  
Neville O. Mitchell